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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, THOMAS T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/20/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

224

Office Action Summary

Applicati n No.

09/517,874

Applicant(s)

PORTER, SWAIN W.

Examiner

Thomas T. Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 14-15, 22, 25-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

FIRST OFFICE ACTION

Restriction/ Election

The examiner wishes to clarify the statement of claim groupings presented in the previous restriction requirement. Claims 14-15,22,25-34 which recite to "configuring a display hardware", properly belong in the non-elected grouping of invention B (non elected) without traverse, which is drawn to "operating a display device hardware". The examiner regrets any confusion or inconvenience the previous claim groupings may have caused. Furthermore, a telephone call was made to Aloysius T.C. AuYeung to update/ inform the status of the elected claims. The applicant requests a first office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because it recites the limitation " said reserving further comprises " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

Claims 1-13,16-21,23-24 are rejected under the judicially created doctrine of obviousness type double patenting over claims 1-22 of U. S. Patent No. 6,570,595 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in independent claim 1 in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Claim 1 discloses: ***reserving a first portion of the display surface for exclusive use by a first program; rendering contents in said reserved first portion of the display surface, by said first program, excluding all other programs from using said reserved first portion of display surface.***

Claim 1 (Patent No.6,570,595) discloses: **reserving at least on start-up/reset, a first portion of a display surface of said display device available for use by an operating system to facilitate shared displays for exclusive use by a first program, . . . ; rendering contents in said reserved first portion of the display surface, by said first program, excluding all other programs from using said reserved first portion of the display surface.** Although, the conflicting claims are not identical, with a small certain notable but not patentably distinct differences they are not patentably distinct from each other because the independent claim 1 in this application is seek broader its

scope by discloses general subjects matter of a workspace on the display device.

Therefore, *it would have been obvious to one of ordinary skill in the relevant art at the time of invention to seek broader its scope by removing/ reducing the details specified in the patented claims language to obtain a new set claims which only disclose a general subject matter (utilizing display surface on a display device) because this would allows designer to have a plurality choices for implementing the display areas in GUI environment.*

Claim Rejections - 35 USC § 102(e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-14,16-19,21,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason et al. U.S Patent No.6,330,010.

As per claim 1: Nason discloses a computer system/ method for displaying data as follows:

the computer system having a display device (68) including a display surface (Fig.3);

reserving a first portion (30) of the display surface for exclusive use by a first program; and rendering contents in the reserved first portion of the display

surface, by said first program, excluding all other programs from using said reserved first portion of display surface (summary, abstract, Fig.2).

Regarding claim 2, in addition to what is recited in claim 1, Nason's window system allows a window manager to switch to a display mode having a smaller pixel configuration "*adjusting parameters for said video display system to increase the number of pixels in a dimension of said video display system by a number of pixels less than or equal to a difference between the number of pixels specified in said video mode and a maximum number of pixels which said video display system can effectively display*" (col.4 lines 27-39, and tables 1-3, claims 1,11,18).

Regarding claims 3,7-8, in addition to what is recited in claim 2 or 6, respectively, Nason's system discloses the reserving/ unreserving which inherently aborting a responsive request by the window manager to switch to a display mode having the smaller/ larger pixel configuration "*The display is reset to the original resolution, step 126, and the CR registers are reset to their original values*" (col.14 lines 10-15, Figs.7,9 tables 1-3).

Regarding claims 4,9, in addition to what is recited in claim 2, Nason's system discloses the reserving further comprises pre-alerting an exclusive-use display area manager of said display mode switch request to said window manager "*System resolution messages are received whenever the system or user changes the screen or color resolution*" (col. 14 lines 9-15).

Regarding claims 5-6, in addition to what is recited in claim 1, Nason's system discloses the reserving/unreserving is performed only if the first/ second event is determined to have occurred, respectively "*the overscan interface may be constantly visible or it may toggle between visible and invisible states based upon any*

of a number of programming parameters (including, but not limited to, the state of the active window, the state of a toggle button, etc.).” (col.4 lines 6-16).

Regarding claims 10-11, in addition to what is recited in claim 1, Nason windows system “Microsoft Windows environments (including Microsoft Window 95 and derivatives, and Microsoft Windows NT 4.0 and derivatives)” (col.4 lines 27-32) inherently has functions for requesting to change a display mode to a full or normal screen mode and temporarily stop / resume rendering contents when changing the display mode to a full or normal. respectively *“Referring now in particular to FIG. 7, upon initialization, at Identify Display Type step 102, the program attempts to determine the display type, and current location in memory used by the display driver, in order to determine the size and locations of any display modifications to be made, e.g. to the size and location of overscan area(s) to be used” (col.6 lines 67-67).*

Regarding claim 16, it is contain similar features in scope to claims 1 and 5. Thus, it is rejected under similar rationale.

Regarding claims 17, 19 , in addition to what is recited in claim 16, Nason’s system discloses a *“desktop serves as a graphical user interface to the operating system. The desktop displays images representing files, documents and applications available to the user. The desktop is restricted in the common environments to a predetermined set of resolutions (e.g., 640.times.480, 800.times.600, 1024.times.768) as defined by VGA and SVGA standards. Displayable borders outside this area are the overscan area” (abstract).* Thus, their contents are persistently visible at least partially (Figs.2-3).

Regarding claim 18, it is contain similar features in scope to claim 10. Thus, it is rejected under similar rationale.

Regarding claims 21,23, in addition to what is recited in claims 1,16, Nason's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 44-55) .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13,20,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No.6,330,010. in view of Gould et al. U.S Patent No. 6,583,793.

Regarding claims 12-13,20, in addition to what is recited in claims 1,10, Nason fails to disclose "intercepting all page flipping calls by said application, and forwarding each of said page flipping calls onward only after said first program has updated a back buffer." However, it was known in art that page flipping calls onward with a back buffer are associated in the window environment . For example, Gould discloses "page flipping the back buffer to a front buffer after the three dimensional object has been written into the back buffer " (claim 1). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to use Gould's teaching of page flipping, and back buffer teaching with Nason's system to effectively and efficiently provides real time

integration of three-dimensional objects and live video in GUI environment as Gould suggested (col.3 lines 10-13).

Regarding claim 24, in addition to what is recited in claim 20, Gould's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 13-22) .

Conclusion

Question that concerning this communication should be directed to the Patent Examiner Thomas T. Nguyen, whose telephone number is (703) 308-7240 (Monday to Friday 09:30 - 6:00 ET) or Kristine Kincaid Supervisory Patent Examiner (703) 308-0640. Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) 828-9306.

Thomas T. Nguyen

January 12, 2004

Kristine Kincaid
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